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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

9 LONNIE SOUKPHRACHANH,
10 Plaintiff,
11 v.
12 KILOLO KIJAKAZI,¹
13 Acting Commissioner of Social Security,
14 Defendant.

Case No. 3:20-cv-4547-MMC

**STIPULATION AND PROPOSED
ORDER APPROVING SETTLEMENT
OF ATTORNEY FEES PURSUANT TO
THE EQUAL ACCESS TO JUSTICE
ACT, 28 U.S.C. § 2412(d)**

17 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
18 counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the
19 amount of \$4,500 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and zero
20 dollars (\$0.00) in costs under Taxation of Costs, 28 U.S.C. § 1920. This amount represents
21 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
22 this civil action, in accordance with 28 U.S.C. §§ 2412(d), 1920.

23 After the Court issues an order for EAJA fees to Plaintiff, Defendant will consider any
24 assignment of EAJA fees to Plaintiff's counsel, Bay Area Legal Aid. Pursuant to *Astrue v.*
25 *Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor any such assignment will depend

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¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should automatically be substituted for Andrew Saul as the defendant in this suit.

on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, Defendant will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be made directly to Bay Area Legal Aid, Tax ID# 94-1631316, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel, Bay Area Legal Aid, 1735 Telegraph Ave., Oakland, CA 94612.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees in connection with this action. This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA, although Bay Area Legal Aid has waived their right to claim any fees under 42 U.S.C. §406(b).

Respectfully Submitted,

Dated: September 13, 2021

By: /s/ Lydia Chao
Lydia Chao
Attorney for Plaintiff

Dated: September 13, 2021

By: /s/ Tina Naicker
Tina Naicker
Assistant Regional Counsel
*authorized by email on August 30, 2021

[PROPOSED] ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: September 13, 2021

By:

Maxine M. Chesney
Hon. Maxine M. Chesney